

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

Claim 1. (original) A DNA fragment containing the sequence of SEQ ID NO: 1 as a core sequence, whereby expression of a gene placed downstream of said DNA fragment is repressed in the presence of light.

Claim 2. (original) The DNA fragment of claim 1 which is a cis-element containing the sequence of SEQ ID NO: 2 or a nucleotide sequence obtained by deletion, substitution and/or addition of one or more bases in a part of the sequence of SEQ ID NO: 2 other than the core sequence of SEQ ID NO: 1, whereby expression of a gene placed downstream of said DNA fragment is repressed in the presence of light.

Claim 3. (original) The DNA fragment of claim 1 comprising the nucleotide sequence of SEQ ID NO:3.

Claim 4. (original) A promoter containing the nucleotide sequence of SEQ ID NO: 1 as a core sequence, whereby expression of a gene placed downstream of said promoter is promoted in the dark but repressed in the presence of light.

Claim 5. (original) The promoter of claim 4 containing the sequence of SEQ ID NO: 2 or a nucleotide sequence obtained by deletion, substitution and/or addition of one or more bases in a part of the sequence of SEQ ID NO: 2 other than the core sequence of SEQ ID NO: 1.

Claim 6. (original) The promoter of claim 4 comprising the nucleotide sequence of SEQ ID NO:3.

Claim 7. (original) The DNA fragment of any one of claims 1 to 3 having a constitutive expression promoter linked downstream of said DNA fragment.

Claim 8. (original) The promoter of any one of claims 4 to 6 having a constitutive expression promoter linked downstream of said promoter.

Claim 9. (original) The DNA fragment of claim 7 wherein the constitutive expression promoter is cauliflower mosaic virus 35S promoter.

Claim 10. (original) The promoter of claim 8 wherein the constitutive expression promoter is cauliflower mosaic virus 35S promoter.

Claim 11. (currently amended) An expression cassette comprising a DNA fragment carrying a gene linked downstream of the DNA fragment or promoter of any one of claims ~~1 to 10~~ 1-6, 9 and 10, whereby expression of said gene is repressed by light.

Claim 12. (original) A plant cell transformed with the expression cassette of claim 11 or a DNA fragment containing said cassette.

Claim 13. (original) A plant transformed with the DNA fragment of claim 11 or a progeny thereof, and a part of said plant or progeny.